

May 08, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KAREN E.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:18-cv-03152-SAB

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

On March 20, 2019, Magistrate Judge Mary K. Dimke issued a Report and Recommendation to Grant the Parties' Stipulated Motion for Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g). ECF No. 21. No timely objections to the Report and Recommendation were filed.

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ORDER ADOPTING REPORT AND RECOMMENDATION 3 1

Accordingly, **IT IS HEREBY ORDERED:**

1. The Court **adopts** Magistrate Judge Dimke's Report and Recommendation, ECF No. 21, in its entirety.

2. The parties' Stipulated Motion for Remand, ECF No. 20, is **GRANTED**.

3. The decision denying benefits is **REVERSED** and **REMANDED** for further administrative proceedings. On remand, the Administrative Law Judge ("ALJ") shall further develop the record, update the medical records, and issue a new decision. The ALJ shall also:

- Consider the nature and severity of Plaintiff's migraines;
- Reconsider Plaintiff's residual functional capacity;
- Obtain vocational expert testimony; and
- Offer Plaintiff the opportunity for a hearing, take any action needed to complete the administrative record, and issue a new decision.

4. This remand is made pursuant to 42 U.S.C. § 405(g).

5. Plaintiff's Motion for Summary Judgment, ECF No. 15, is **DISMISSED as moot**.

6. Upon proper presentation, this Court shall consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

7. The District Court Executive is directed to enter judgment in favor of Plaintiff and against Defendant.

IT IS SO ORDERED. The District Court Executive is hereby directed to file this Order, provide copies to counsel, enter judgment, and close this file.

DATED this 8th day of May 2019.



Stanley A. Bastian

Stanley A. Bastian

United States District Judge